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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,152	12/02/2003	Mark V. Weaver	TSB-33	2804
22827	7590	08/10/2005	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			JOHNSON, JERROLD D	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,152

Applicant(s)

WEAVER ET AL.

Examiner

Jerrold Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/11/04, 8/24/04, 9/7/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 5-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 26 July 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Examiner Official Notice in view of Goodman (US 3,542,189 or 3,267,633) and Cosier et al. US 3,756,399.

Pre-rinse assemblies of the type set forth in claims 1 and 2 are well known. It is also well known to package products like those claimed in claim 1 and 2 in skin packaging. Applicant's admitted prior art Fig. 1 (AAPA) evidences this fact. It is also well known to package rinse and pre-rinse assemblies in a vacuum skin package in

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their fully assembled form. Goodman US 3,542,189, and Gooman 3,267,633 both evidence this fact.

Cosier discloses using a rigid shell 17 over portions of a product where flexible polyethylene used in vacuum skin packaging (referred to as "shrink-wrap" in the claim 1, which is not consistent with the industry accepted terminology for this process) could possibly wrap around areas of the product such that the polyethylene could make the process of unpackaging the product difficult.

Accordingly, it would have been obvious to one of ordinary skill in the art to modify a skin packaged pre-rinse assembly to which the Examiner has taken Official Notice as being well known and package the pre-rinse assembly in a fully assembled form as is taught by Goodman as packaging products in their fully assembled form eases the further assembly of these products for use. It further would have been obvious to modify a skin packaged fully assembled pre-rinse assembly with the teaching of Cosier of a rigid shell covering the spring and steel hose so that heated polyethylene could not wrap around the spring and impede the unpackaging of the pre-rinse assembly.

With respect to claim 2, impermeable sleeves lining flexible steel hose is old and well known, and the Examiner takes Official Notice of this fact.

With respect to claim 3, Cosier does not disclose polyvinylchloride (PVC) explicitly but does disclose transparent thermoplastic formable materials, such as polyethylene in the formation of the shell. One of ordinary skill in the art would recognize the implicit suitability of PVC in place of polyethylene in this application.

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Accordingly, the use of PVC would be within the purview of one of ordinary skill in the art. The necessary basis weight of such material would also be within the purview of those skilled in the art, as it has been held that optimizing a result effective variable (basis weight) is within the purview of those skilled in the art.

Early US 5,485,917 cited herein as extrinsic evidence in col. 4 lines 43-55 discloses the suitability of PVC in molded plastic structures and also describes the known criteria through which one of ordinary skill in the art optimizes the use of that material in a similar application as is claimed herein.

With respect to claim 4, Cosier discloses polyethylene, which is the well known material used in vacuum skin packaging. Again, The necessary basis weight of such material would also be within the purview of those skilled in the art, as it has been held that optimizing a result effective variable (basis weight) is within the purview of those skilled in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDJ

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Mickey Yu
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Group 3700